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May 17, 1999

**VIA FACSIMILE ONLY**

Craig Melodia  
 Assistant Regional Counsel  
 U.S. EPA  
 Region 5  
 77 West Jackson Boulevard  
 Chicago, IL 60604

EPA Region 5 Records Ctr.



275181

Re: *The Dow Chemical Company, et al. v. Acme Wrecking Company, Inc., et al.*, Civil Action Nos. C-1-97-0307 and C-1-97-0308 (Consolidated Actions)

Dear Mr. Melodia:

In follow-up to your telephone message, enclosed please find the portions of the Final Allocation Report and Recommendations for the City of Monroe in connection with the above-referenced matter. The portions of the draft report addressing the City were previously provided to Ms. Estes under my cover letter dated February 12, 1999.

The Allocator's *de minimis* apportionment assessed to our client reflects the small volume and non-hazardous nature of the City's solid waste in comparison to the other contributing parties. Note that we redacted the names of the other parties from the enclosed materials in order to comply with the confidentiality provision under the Case Management Order.

We look forward to working with the Agency towards a settlement for our client under the new municipal waste settlement policy. If you have any questions concerning the enclosed materials, the materials previously sent, or any other aspect pertaining to this matter, please do not hesitate to contact Steve Haughey at (513) 651-6127 or me at (513) 651-6144. Thank you for your consideration and cooperation in this matter.

Very truly yours,

FROST & JACOBS LLP

*Kellye J. Bowers*  
 Kellye J. Bowers

Enclosures

cc: Stephen N. Haughey, Esq. (w/o encl.)  
 619546.02

**CITY OF MONROE**

See the Avon Products, Inc. discussion.

**AVON PRODUCTS, INC.**

Avon Products, Inc. ("Avon") filed a joint comment brief dated November 13, 1998 with Butler County, Consolidated Rail Corporation, Village of Glendale, Hilton Davis Company, City of Monroe, City of Montgomery, and Queen City Barrel.

These parties supported the findings of fact and conclusions of law contained in the Preliminary Report. These parties also contingently agreed with the allocations: "however, such agreement is of course contingent upon the allocations for all parties involved in this process becoming final allocations, and all parties agreeing to pay their respective share of the clean-up costs for this site in relation to their individual allocations set forth in the preliminary report."

They ask the Allocator to make one substantive revision - "that the allocator delete all reference to a potential orphan share at this site and the separate recommendation that the United States agree to 'absorb' such potential orphan share. Counsel for the federal agencies involved as Defendants in this process have indicated that as long as such discussion is contained in the report they feel compelled to seek and then file written comments from counsel for U.S. EPA regarding the Agency's reaction to the discussion and the recommendation." Any submission by the EPA on an orphan share would be premature and inconsistent with the confidentiality required under the CMO liability allocation phase of this ADR process, these parties felt. Once everyone has submitted appropriate documents demonstrating the inability to pay the full share represented by their allocation of liability, then the true orphan share will be known at this Site. They suggest, when the final report and any financial demonstrations are in hand, then would be the appropriate time to approach the EPA to discuss the orphan share. "Consequently, deleting the discussion of the potential orphan share from the final report will not prejudice the parties collective efforts to convince the Agency to absorb the share during the settlement phase of this case and will maintain the integrity and confidentiality of this process."

These comments may have been overtaken by subsequent events. And I do agree that orphan shares may not be determinable in some cases without a showing of the absence of financial wherewithal. I have also decided to segregate the discussion of the orphan share issue as a separate appendix to this Final Report that supersedes any conflicting information contained in the Preliminary Report.

Final Allocation Recommendations in Alphabetical Order, Skinner Landfill Superfund Site, April 12, 1999

May. 17. 1999 2:12PM

No. 0412 P. 5/7

Name Of Party	Solid Waste In Cyo	Liquid Waste In Total Cyo	Solid Waste In Total Gallons	Liquid Waste In Total Gallons	Solid Waste Percentage	Liquid Waste Percentage	Owner/ Operator & Part of Chem-Dyne	Rest of Chem-Dyne	Total
	Gallons	Cyo	Gallons	Cyo					
6030	0	372806	1.6170%	262252	0.0000%	0.16%	0.00%		0.1617%
0	9235	372806	0.0000%	262252	3.5213%	0.00%	0.70%		0.7042%
500	0	372806	0.1341%	262252	0.0000%	0.01%	0.00%		0.0134%
100	0	372806	0.0268%	262252	0.0000%	0.00%	0.00%		0.00268%
0	0	372806	0.0000%	262252	0.0000%	0.00%	0.00%		0.0000%
480	25000	372806	0.1287%	262252	9.5326%	0.01%	1.91%		1.9194%
281	0	372806	0.0754%	262252	0.0000%	0.01%	0.00%		0.00754%
85	0	372806	0.0228%	262252	0.0000%	0.00%	0.00%		0.00228%
0	0	372806	0.0000%	262252	0.0000%	0.00%	0.00%		0.0000%
260	0	372806	0.0670%	262252	0.0000%	0.01%	0.00%		0.00670%
10	0	372806	0.0027%	262252	0.0000%	0.00%	0.00%		0.00027%
10	0	372806	0.0027%	262252	0.0000%	0.00%	0.00%		0.00027%
245	0	372806	0.0657%	262252	0.0000%	0.01%	0.00%		0.00657%
3598	0	372806	0.9847%	262252	0.0000%	0.10%	0.00%		0.0847%
150	0	372806	0.0402%	262252	0.0000%	0.00%	0.00%		0.00402%
57	0	372806	0.0153%	262252	0.0000%	0.00%	0.00%		0.00153%
148	5075	372806	0.0395%	262252	1.9352%	0.00%	0.39%		0.39100%
0	0	372806	0.0000%	282252	0.0000%	0.00%	0.00%		0.0000%
0	2475	372806	0.0000%	282252	0.9437%	0.00%	0.19%		0.18875%
100	0	372806	0.0268%	262252	0.0000%	0.00%	0.00%		0.00268%
948	0	372806	0.2542%	262252	0.0000%	0.03%	0.00%		0.02542%
4157	0	372806	1.148%	262252	0.0000%	0.11%	0.00%		0.11148%
3518	0	372806	0.0280%	262252	0.0000%	0.00%	0.00%		0.00280%
377	0	372806	1.1156%	262252	0.0000%	0.11%	0.00%		0.11156%
51	0	372806	0.4827%	262252	0.0000%	0.05%	0.00%		0.04827%
5440	0	372806	1.4588%	262252	0.0000%	0.16%	0.00%		0.14588%
336	0	372806	0.0909%	262252	0.0000%	0.01%	0.00%		0.00909%
27021	110	372806	7.2459%	262252	0.0018%	0.72%	0.01%		0.806%

## Final Allocation Recommendations in Alphabetical Order, Skinner Landfill Superfund Site, April 12, 1999

Name Of Party	Solid Waste In			Liquid Waste			Solid Waste			Liquid Waste			Owner/ Operator & Part of Chem-Dyne			Rest of Total	
	Cts		Gallons	In Total	Percentage		Gallons	In Total	Percentage	Gallons	In Total	Percentage	Gallons	In Total	Percentage	Cts	
25552	110	372806	6,8520%	262252	0.0419%	0.68%	0.01%	0.00%	0.00%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.6935%	0.0000%
0	0	372806	0.0000%	262252	0.0000%	0.00%	0.00%	0.03%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0283%	0.0000%
1000	0	372806	0.2682%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00134%	0.0000%
50	0	372806	0.0134%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.000027%	0.0000%
10	0	372806	0.0027%	262252	0.0000%	0.00%	0.00%	0.05%	0.00%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0529%	0.0000%
1976	0	372806	0.5289%	262252	0.0000%	0.00%	0.00%	0.77%	0.00%	0.77%	0.00%	0.00%	0.00%	0.00%	0.00%	0.7723%	0.0000%
28800	0	372806	7.7231%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00046%	0.0000%
18	0	372806	0.0048%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.9430%	0.0000%
10	25476	372806	0.0027%	262252	0.7139%	0.00%	1.94%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0058%	0.0000%
94	0	372806	0.0251%	262252	0.0000%	0.00%	0.00%	0.46%	0.00%	0.46%	0.00%	0.00%	0.00%	0.00%	0.00%	0.5425%	0.0000%
17125	0	372806	4.5923%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.6107%	0.0000%
60	21100	372806	0.0161%	262252	0.0457%	0.00%	1.61%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.4579%	0.0000%
6377	16875	372806	1.7101%	262252	5.4346%	0.17%	1.28%	0.17%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0000%	0.0000%
2440	11550	372806	0.6543%	262252	4.4042%	0.07%	0.88%	0.07%	0.00%	0.27%	0.00%	0.00%	0.00%	0.00%	0.00%	0.2737%	0.0000%
119	3548	372806	0.0319%	262252	1.3527%	0.00%	0.38%	0.00%	0.00%	0.38%	0.00%	0.00%	0.00%	0.00%	0.00%	0.4646%	0.0000%
0	5000	372806	0.0000%	262252	1.8068%	0.00%	0.38%	0.00%	0.00%	0.38%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00134%	0.0000%
50	0	372806	0.0134%	262252	0.0000%	0.00%	0.00%	0.02%	0.00%	0.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0208%	0.0000%
0	0	372806	0.0000%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.2737%	0.0000%
7350	0	372806	1.9710%	262252	0.0000%	0.00%	0.20%	0.00%	0.00%	0.20%	0.00%	0.00%	0.00%	0.00%	0.00%	1.1971%	0.0000%
64402	0	372806	14.5887%	262252	0.0000%	1.48%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.4588%	0.0000%
770	0	372806	0.2065%	262252	0.0000%	0.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0208%	0.0000%
110842	0	372806	29.7239%	262252	0.0000%	2.87%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	2.8723%	0.0000%
0	0	372806	0.0000%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0000%	0.0000%
0	0	372806	0.0000%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0000%	0.0000%
10	0	372806	0.0027%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.000027%	0.0000%
7840	0	372806	2.1024%	262252	0.0000%	0.21%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.2102%	0.0000%
312	0	372806	0.0837%	262252	0.0000%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0833%	0.0000%
40	0	372806	0.0107%	262252	0.0000%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0418%	0.0000%
24	8000	372806	0.0084%	262252	2.2879%	0.00%	0.48%	0.00%	0.00%	0.48%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0148%	0.0000%
552	0	372806	0.1480%	262252	0.0000%	0.01%	0.00%	0.00%	0.00%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0184%	0.0000%
724	0	372806	0.1841%	262252	0.0000%	0.02%	0.00%	0.00%	0.00%	0.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0387%	0.0000%
1445	0	372806	0.3874%	262252	0.0000%	0.04%	0.00%	0.00%	0.00%	0.04%	0.00%	0.00%	0.00%	0.00%	0.00%	0.0387%	0.0000%

Appendix 5A (New)

## Final Allocation Recommendations in Alphabetical Order, Skinner Landfill Superfund Site, April 12, 1999

May. 17, 1999 2:13PM

No. 0412 P. 7/7

Name Of Party	Solid Waste In		Liquid Waste In		Liquid Waste In Total		Percentage Gallons	Solid Waste Gallons	Liquid Waste Gallons	Owner/ Operator & Part of Chem-Dyne	Rest of Chem- Dyne	Total
	Cys	Gallons	Cys	Gallons	Percentage	In Total						
680	0	372906	0.1770%	262252	0.0000%	0.02%	0.00%					0.01770%
0	130150	372906	0.0000%	262252	49.6278%	0.00%	0.93%					9.92658%
635	0	372906	0.2239%	262252	0.0000%	0.02%	0.00%					0.003333%
417	550	372906	0.1118%	262252	0.2097%	0.04%	0.04%					0.003133%
10	0	372906	0.0027%	262252	0.0000%	0.00%	0.00%					0.00027%
6020	0	372906	1.6143%	262252	0.0000%	0.16%	0.00%					0.16143%
17102	0	372906	4.5686%	262252	0.0000%	0.46%	0.00%					0.45686%
0	0	372906	0.0000%	262252	0.0000%	0.00%	0.00%					0.00000%
450	0	372906	0.1207%	262252	0.0000%	0.01%	0.00%					0.01207%
5250	0	372906	1.4078%	262252	0.0000%	0.14%	0.00%					0.14078%
53	0	372906	0.0142%	262252	0.0000%	0.00%	0.00%					0.00142%
45	0	372906	0.0121%	262252	0.0000%	0.00%	0.00%					0.00121%
0	0	372906	0.0000%	262252	0.0000%	0.00%	0.00%					0.00000%
170	0	372906	0.0458%	262252	0.0000%	0.00%	0.00%					0.00000%
2000	0	372906	0.6363%	262252	0.0000%	0.05%	0.00%					0.05693%
550	0	372906	0.1475%	262252	0.0000%	0.01%	0.00%					0.01475%
1175	0	372906	0.3151%	262252	0.0000%	0.03%	0.00%					0.03151%
10	0	372906	0.0027%	262252	0.0000%	0.00%	0.00%					0.00027%
0	0	372906	0.0000%	262252	0.0000%	0.00%	0.00%					0.00000%
100	0	372906	0.0268%	262252	0.0000%	0.00%	0.00%					0.00268%
0	0	372906	0.0000%	262252	0.0000%	0.00%	0.00%					0.00000%
321	0	372906	0.0881%	262252	0.0000%	0.01%	0.00%					0.00881%
9560	0	372906	2.5478%	262252	0.0000%	0.25%	0.00%					0.25478%
288	0	372906	0.0772%	262252	0.0000%	0.01%	0.00%					0.00772%
372906	262262					10.00%	20.00%	68.00%	2.00%	100%		
	cys	gallons										